

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ALLEN KEITH WEBB §
VS. § CIVIL ACTION NO. 1:05cv792
J. WILLIAMS, ET AL. §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Allen Keith Webb, an inmate previously confined at the Robertson Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against employees of the Robertson Unit.

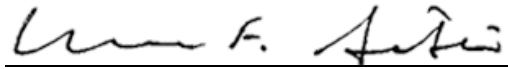
Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains of incidents that took place at the Robertson Unit. The Robertson Unit is located in the Abilene Division of the United States District Court for the Northern District of Texas. The court has considered the circumstances and has determined that the interest of justice would best be served if the complaint were transferred to the district in which the claims arose and where the defendants reside. Therefore, the case should be transferred to the Northern District of Texas. An order so providing will be entered by the undersigned.

SIGNED this 12 day of December, 2005.

A handwritten signature in black ink, appearing to read "Keith F. Giblin", is written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE